

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ELIZABETH OFUASIA,

Plaintiff,

No. 1:20-cv-00076-YY

v.

OPINION AND ORDER

**SPIRIT HALLOWEEN SUPERSTORES,
LLC, et al.,**

Defendants.

MOSMAN, J.,

On July 21, 2021, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F. & R.”) [ECF 36]. Judge You recommends that I grant Defendant Spirit Halloween Superstores’ Motion for Summary Judgment [ECF 23] and deny Plaintiff’s Motion for Partial Summary Judgment. [ECF 21]. Objections were due on August 4, 2021, but none were filed. I agree with Judge You.

STANDARD OF REVIEW

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's recommendations, I ADOPT her F. & R. [ECF 36] as my own opinion, and I GRANT Defendant's Motion for Summary Judgment [ECF 23] and DENY Plaintiff's Motion for Partial Summary Judgment [ECF 21].

IT IS SO ORDERED.

DATED this 24 day of August, 2021.


MICHAEL W. MOSMAN
United States District Judge